



**Health Services**  
LOS ANGELES COUNTY

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Board of Supervisors

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June 29, 2006

TO: Each Supervisor

FROM: Bruce A. Chernof, M.D.  
Director and Chief Medical Officer

Jonathan E. Fielding, MD, MPH  
Director of Public Health and Health Officer

SUBJECT: **HEALTH FACILITIES INSPECTION DIVISION**

On April 18, 2006, as a result of reduced State funding for inspections of health facilities and a resulting backlog of new facilities seeking licensing, your Board took the following action:

Instructed the Acting Director of Health Services to:

- Conduct a full review of the health facility inspection process;
- Work in conjunction with the Chief Administrative Officer and County Counsel and negotiate with the State Department of Health Services on amending the County's licensure and certification contract No. 05-45391 with the State.

This is a status report on the full review of the Health Facilities Inspection Division (HFID) and a discussion of the major problems its staff has faced over the past few years as a result of massive budget cuts. Because various departments involved in preparing this report are still working on several issues and the negotiations with the State have not occurred, this is a status report to be followed by a final report no later than July 15, 2006.

**Statutes and Authority**

The Licensing and Certification Division of the California State Department of Health Services is responsible for enforcing the laws and regulations governing health facilities in California. Under Section 1257 of the Health & Safety Code, the State may delegate authority for licensing and inspection to local health authorities. LAC/DHS is the only county to which this is delegated under contract. In all other counties, employees of the State operating from district offices do the work. A written agreement between the State and LAC/DHS is in effect and confirms this delegation to DHS/Public Health's HFID and provides reimbursement from the State for the costs of the program. County Counsel is reviewing the HFID workload and priorities outlined by the State. The agreement with the State requires compliance with the terms and conditions of the State's agreement with the Federal government, and the State has not yet provided a copy to LAC/DHS.

313 N. Figueroa Street, Suite 912  
Los Angeles, CA 90012

Tel: (213) 240-8101  
Fax: (213) 481-0503

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In determining what inspection activities should be undertaken by LAC/DHS, the State sets forth a list of workload priorities. The workload consists of both State licensing and federal Medicare/Medi-Cal certification inspections and evaluations which are crucial for facilities that wish to bill either Medicare or Medi-Cal. The workload assigned to the County includes most licensure categories and most facilities, except for facilities for which the County is the licensee. Funding comes from the Federal and State governments. Procedures are carefully detailed by the State and by the Centers for Medicare and Medicaid Services (CMS), and final decisions on many issues are made in Sacramento and at the Federal Region IX CMS office in San Francisco.

### **Role of the HFID**

Licenses issued to health facilities are intended to ensure that they meet minimum standards established by law. (See Attachment 1 for a complete list of types and number of facilities.) HFID's field staff inspects facilities, either on a routine basis or in response to complaints. Inspections are conducted in hospitals and other facilities in order to determine their compliance with State and Federal laws and regulations. Field staff document their findings in writing on forms required by the Federal government. Reports may serve as the basis for subsequent legal action in the face of serious violations.

### **Budget Reductions**

For two consecutive years, (FY 03-04 and FY 04-05) significant cuts in the State's budget resulted in reductions in the HFID's ability to carry out all of its mandated activities. In FY 03-04 the contract was reduced from \$20,395,218 to \$17,030,008; in FY 04-05, from \$17,030,008 to \$16,530,008; and in FY 05-06, from \$18,008,074 to \$16,530,008. Starting in FY 03-04, in an attempt to compensate for the statewide reductions, the Director of Licensing and Certification directed all district offices to complete the federal certification workload prior to completing the State licensing workload.

### **Workload Priorities**

CMS imposed the following strict workload priority system in four tiers (1, 2, 3, & 4), which dictates the workload priorities for all certified agencies. As set forth above, on receipt of the documents requested from the State, the Department and County Counsel will confirm whether there is discretion to depart from the priorities. The State has directed that Tier 1 activities must be completed before work in the Tier 2 category is begun. In practice, however, some of the latter may be done in conjunction with the former.

#### **I. Tier 1 Activities**

- **Skilled Nursing Facilities (SNF) and Nursing Facilities (NF)**  
All SNF and NF will be subject to a standard survey not later than 15 months after the previous standard survey, with an average interval between standard surveys of 12 months.
- **Home Health Agencies (HHA)**  
All HHA must be surveyed every 36 months.

- **Accredited, Deemed Home Health Agencies**  
Conduct complaint surveys and validation surveys of 5% of HHA that are deemed to meet the Medicare conditions of participation (sample selected by CMS).
- **Intermediate Care Facilities for the Mentally Retarded (ICF/MR)**  
Conduct 100% of the statutorily required annual surveys of ICF/MR in order to renew their annual agreements.
- **Accredited Hospitals - Validation Surveys**  
Conduct validation surveys in 1% of the 103 accredited general acute care hospitals to assure CMS that these facilities are meeting their statutory responsibilities.
- **Priority 1 Complaints**  
Conduct 100% of Priority 1 complaint investigations, i.e. those that allege immediate and serious situations within 24 hours.

## II. Tier 2 Activities

- **Non Long-Term Care – New Targeted Survey Samples**  
The tier 2 targeted sample survey requirements are performed for non-long term care providers most at risk for providing poor care.
- **Home Health Agencies**  
Conduct surveys on a 5% targeted sample of HHA.
- **End Stage Renal Disease Facilities (ESRD)**  
Conduct a 10% targeted sample of ESRD facilities, selected from a CMS list\*.
- **Hospice**  
Conduct a 5% targeted survey sample of hospice facilities in Los Angeles County.
- **Outpatient Physical Therapy Providers**  
Conduct a 5% targeted surveys of providers.
- **Comprehensive Outpatient Rehabilitation Facilities**  
Conduct a 5% targeted survey sample of providers in Los Angeles County.
- **Ambulatory Surgery Centers**  
Conduct a 5% targeted surveys of providers in LA County, selected from a CMS list.

\* When CMS does not select samples, HFID district offices do.

### **Non-Accredited Hospitals**

Conduct surveys of non-accredited hospitals at an interval of no more than every 6.0-years elapsed between surveys for any particular non-accredited hospital. LA County is required to survey 5% of the non-accredited hospitals this fiscal year.

- **Intermediate Care Facilities for the Mentally Retarded**

Conduct extended surveys (covering more regulations than those involved in the specific complaint) after each complaint investigation in which there are substantiated complaints and Conditions of Participations out of compliance.

- **Priority 2 Complaints**

Conduct priority 2 complaints (involving the physical environment, e.g. vermin) investigations within 10 working days after receiving the complaint. (Due to a staff shortage, there is a backlog of 1000 such complaints since 2004. This is discussed further, under "Staffing".)

### **Tier 3 and 4 Activities**

Tier 3 consists of initial certifications and the recertification of other non-long-term care facilities (ambulatory surgery, outpatient rehabilitation centers, etc.). Since licensing must precede initial certification for new facilities, licensing accompanies the Tier 3 certification. Because initial certifications are classified as Tier 3 activities, there are substantial waiting lists in some categories. Tier 4 activities include devising strategies for achieving national goals and standards. No Tier 4 activities are being undertaken at this time due to staff shortages.

### **HFID Staffing**

Prior to 1998, HFID was able to hire both RN's and Environmental Health Specialists (EHS) under the classification of Health Facilities Evaluator. In 1998, the State imposed restrictions on who could evaluate which parts of facilities. In particular, State requirements permitted only Nurse Evaluators to do on-site evaluations, including evaluating the quality of patient care, among other things. As a result, only RN's could be hired as new evaluators. EHS in the HFID workforce may continue to evaluate non-clinical areas. Because the classification was originally filled by both nurses and environmental health specialists, HFID nurses, including new hires, are not part of the County's nursing bargaining unit and do not receive the bonuses nurses receive elsewhere in DHS. This poses obvious recruitment problems for HFID.

Attachment II shows HFID's staff roster, including Health Facilities Evaluators. There are now 13 vacancies for these positions. In addition to these vacancies, HFID has 8 non-nursing vacancies: 2 assistant supervisors, 4 clerical positions, a physician specialist, and a pharmacy consultant. While filling these positions is important, our priority is filling the critical nursing positions. (Attachment III shows where staff are located.) In the last two years, HFID has lost 38 nurses. The most common reason given at exit conferences is low pay.

HFID has made some progress in hiring new nurses by offering advanced step placement; five nurses were hired with this augmented compensation. An ad placed by HFID in a nursing journal recently also yielded several inquiries.

### **Training**

Evaluators require specialized training by the State in order to conduct licensing and certification activities. Training includes six weeks each of academic and clinical training, and a week of training by federal staff. Staff must then pass the Federal Minimum Qualification Examination. Staff working in specialty care facilities receive further training and certification by CMS. Because of the rigorous training period, new staff are usually not considered "up-to-speed" for a year or more after being hired.

### **Consequences of Staff Shortage**

Attrition and difficulty in recruitment, along with increasingly burdensome workloads for existing staff have resulted in HFID's inability to complete its work. A detailed graph showing work completed and uncompleted for FYs 03-04 and 05-06 is attached (Attachment IV). All Tier 1 and Tier 2 work was completed but at a heavy cost, in terms of staff who left, citing overwork and low pay. In Tier 3, significant numbers of facilities were not evaluated. Without some relief from the staffing shortage, these numbers will grow next year.

### **Negotiations with the State**

Historically, once the State budget was approved, LAC/DHS negotiated with the State on workload issues. In recent years, since negotiations have included reductions in funding, we have asked the State to revise expectations of the HFID's workload capacity. To respond to the Board's motion and to resolve some of these issues for the upcoming fiscal year, a conference call with the State was scheduled for early June. We were going to ask about projected increases for HFID in the Governor's budget; what the State's expectations were in terms of increased workload, if any, in view of any increases; and whether the State would entertain requests for help with additional funding or staff. Call participants included our staff and representatives from County Counsel and the CAO. At the last minute, the conference call was cancelled by the State. We will reschedule the call and advise the Board in LAC/DHS' forthcoming report.

If you have any questions or need additional information, please let us know.

BAC:JEF:bp  
604:016

### **Attachments**

c: Chief Administrative Officer  
County Counsel  
Executive Officer, Board of Supervisors

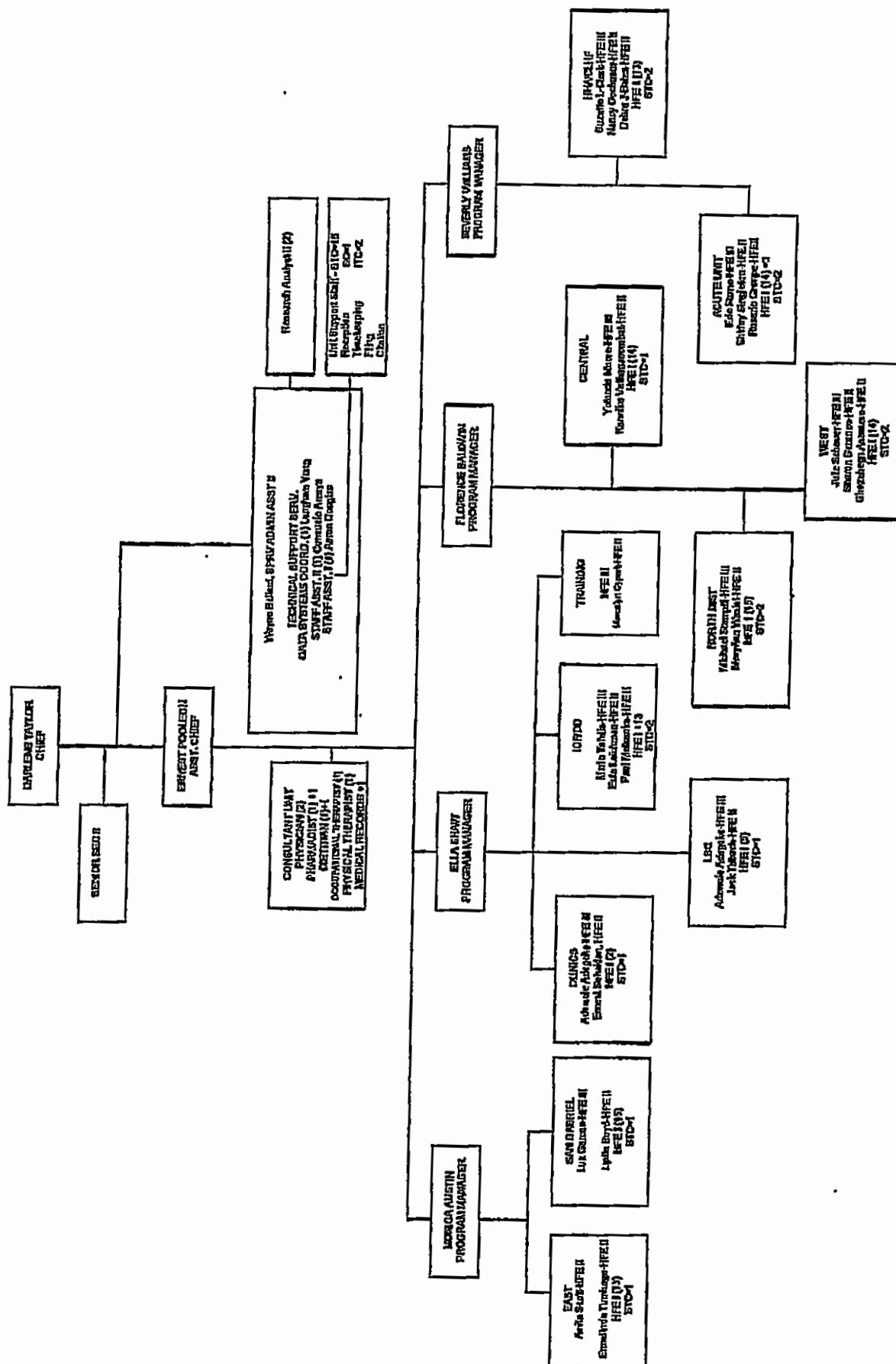
## Health Facilities Division - Report on Type Total Number Facilities 7/2005

TYPE	TOTAL
ACUTE PSYCHIATRIC	9
ACUTE PSYCHIATRIC D/P	36
AMBULATORY SURGICAL CENTER	81
CHEMICAL DEPENDENCY RECOVERY HOSPITAL	2
CHEMICAL DEPENDENCY RECOVERY HOSPITAL/DP	2
CHRONIC DIALYSIS CLINIC	122
COMMUNITY CLINIC	188
CLINIC-FREE	12
CLINIC-PSYCHC	6
CLINIC-REHAB	8
CONGREGATE LIVING HEALTH FACILITY	14
COMPREHENSIVE OUTPATIENT REHAB FACILITY	6
END STAGE RENAL DIALYSIS	133
GENERAL ACUTE CARE HOSPITAL	103
HOME HEALTH AGENCY	419
HHA - Branch	24
HOSPICE	57
INTERMEDIATE CARE FACILITY	2
INTERMEDIATE CARE FACILITY-DEV DIS	5
INTERMEDIATE CARE FACILITY-DEV DIS/DP	1
INTERMEDIATE CARE FACILITY-DEV DIS/HAB	202
INTERMEDIATE CARE FACILITY-DEV DIS/NUR	70
REFERRAL AGENCY	5
REHAB AGENCY	39
REHAB AGENCY SATTLITE	7
SURGICAL CENTER	103
SKILLED NURSING FACILITY	369
SKILLED NURSING FACILITY/DP	47
SKILLED NURSING-INTERMEDIATE CARE FACILITY/DP	12
TOTAL	2084

County of Los Angeles  
05-45391

Budget  
(Year 1)  
(07/01/2005 - 06/30/2006)

<b>PERSONNEL SERVICES</b>	<b>Total of Positions</b>	<b>Total Budget</b>
Assistant Chief, Health Facilities Inspection Division	1	\$ 92,840
Chief, Health Facilities Inspection Division	1	\$ 107,052
Data Systems Coordinator I	1	\$ 77,364
Health Facilities Consultant, Dietary	1	\$ 54,108
Health Facilities Consultant, OT	1	\$ 88,380
Health Facilities Consultant, Pharmacy	1	\$ 106,860
Health Facilities Evaluator I	95	\$ 5,901,780
Health Facilities Evaluator II	17	\$ 1,114,860
Health Facilities Evaluator III	9	\$ 638,712
Health Facilities Program Manager	4	\$ 319,536
Int Typist	1	\$ 31,332
Physicians Specialist, MD	2	\$ 400,488
Senior Secretary III	1	\$ 48,072
Sr Typist Clerk	16	\$ 564,672
Staff Assistant I	1	\$ 40,440
Staff Assistant II	1	\$ 48,792
Research Analyst II	1	\$ 52,924
Student Professional Worker	0.5	\$ 11,925
Supervising Administrative Assistant II	1	\$ 70,968
Word Processor II	6	\$ 228,975
<b>TOTAL - PERSONNEL</b>	<b>181.5</b>	<b>\$ 9,999,880</b>
<b>FRINGE BENEFITS (43.7957% OF PERSONNEL)</b>		<b>\$ 4,379,517</b>
<b>OPERATING EXPENSES</b>		<b>\$ 1,083,892</b>
Supplies/Office Expenses		\$ 149,892
Office Space - rental		\$ 798,000
Training & Meetings		\$ 100,000
Photocopy Machine Lease		\$ 36,000
<b>EQUIPMENT</b>		<b>\$ 100,008</b>
Maintenance (200 X \$400)		\$ 80,000
Antivirus software Licenses (191 X \$23.47)		\$ 4,483
Backup Software-Veritas for Windows (5 X \$525)		\$ 2,625
Backup Software-Veritas for Windows/Client (5 X \$580)		\$ 2,900
Computer upgrades & replacements (5 X \$2,000)		\$ 10,000
<b>TRAVEL</b>		<b>\$ 127,440</b>
<b>Indirect Cost Rate 23.1728%</b>		<b>\$ 2,317,232</b>
<b>TOTAL - Contract Costs</b>		<b>\$ 18,008,069</b>

$\pi^*$ 

Approved Barbara Taylor 5/18/06 LHM



**CENTRAL DISTRICT**

Yolanda Moore, Spvsr.  
Kannika Vathanasombat  
Asst. Spvsr.  
5555 Ferguson Drive, #320  
Commerce, CA 90022  
(323) 869-8522

Eagle Rock  
Highland Park  
South Pasadena  
Lincoln Heights  
East Los Angeles  
Los Angeles  
Monterey Park  
Pasadena  
San Marino

**NORTH DISTRICT**

Michael Stampfli, Spvsr.  
MaryAnn Wasieleski, Asst. Spvsr.  
15643 Sherman Way, # 200  
Van Nuys, CA 91406  
(818) 901-4375

Antelope Valley  
Arlington  
Burbank  
Calabasas  
Canoga Park  
Chatsworth  
West Valley  
Encino  
Glendale  
Granada Hills  
La Canada  
La Crescenta  
Lakeview Terrace  
Lancaster  
Mission Hills  
Montrose  
Newhall  
North Hills  
North Hollywood  
Northridge  
Pacoima  
Panorama City  
Palmdale  
Quartz Hill  
Reseda  
Saugus  
San Fernando  
Santa Clarita  
Sepulveda  
Sherman Oaks  
Studio City  
Sunland  
Sun Valley  
Sylmar  
Tarzana  
Toluca Lake  
Topanga  
Van Nuys  
Verdugo City  
Verdugo Hills  
West Lake Village  
West Valley  
Woodland Hills  
Tujunga  
Valencia

**WEST DISTRICT**

Julie Schauer, Spvsr.  
Sharon Geraneo, Asst. Spvsr.  
Ghezahen Asamere, Asst. Sup.  
6053 Bristol Parkway  
Culver City, CA 90230  
(310) 665-8400

Baldwin Hills  
Bell Air  
Beverly Hills  
Carson  
Culver City  
Dominguez  
El Segundo  
Exposition park  
Gardena  
Harbor City  
Hawthorne  
Hollywood  
Inglewood  
Lawndale  
Lomita  
Los Angeles  
Malibu  
Marina Del Ray  
Pacific Palisades  
Palos Verdes  
Redondo Beach  
San Pedro  
Santa Monica  
South District  
Southwest District  
Torrance  
Venice  
Vernon  
West L.A.  
Wilmington  
Playa Del Rey  
Westchester  
Westwood  
West Hollywood

**SAN GABRIEL DISTRICT**

Luz Garces, Spvsr.  
Lydia Boyd, Asst. Spvsr.  
5050 Commerce Drive  
Baldwin Park, CA 91706  
(626) 430-5600

Alhambra  
Arcadia  
Altadena  
Azusa  
Baldwin Park  
Claremont  
Covina  
Diamond Bar  
Duarte  
El Monte  
Glendora  
Hacienda Heights  
Industry  
Irwindale  
La Puente  
La Verne  
Monrovia  
Pomona  
Roland Heights  
Rosemead  
San Dimas  
San Gabriel  
Sierra Madre  
South El Monte  
Temple City  
Walnut  
West Covina

**EAST DISTRICT**

Anita Scott, Spvsr.  
Ermelinda Tumbaga, Asst. Spvsr.  
5555 Ferguson, # 320  
Commerce, CA 90022  
(323) 869-8517

Artesia  
Bell  
Bellflower  
Bell Gardens  
Cerritos  
Commerce  
Compton  
Downey  
Hawaiian Gardens  
Huntington Park  
Lakewood  
La Mirada  
Long Beach  
Los Angeles  
Lynwood  
Maywood  
Montebello  
Norwalk  
Paramount  
Pico Rivera  
Santa Fe Springs  
Signal Hills  
South Gate  
Whittier  
Watts

**ICF/MR - UNIT**

Maria Tafalla, Spvsr.  
Paul Matsuoka, Asst. Spvsr.  
Eula Leichman, Asst. Sup.  
5555 Ferguson, Ste. 320  
Commerce, CA 90022  
(323) 869-8597

**HOSPITAL & ANCILLARY UNIT**

Eric Stone, Spvsr.  
Shirley Singleton, Asst. Spvsr.  
Rosario Grospe, Asst. Spvsr.  
5555 Ferguson, Ste. 320  
Commerce, CA 90022  
(323) 869-8507

**HOME HEALTH AGENCY UNIT**

Suzette Leverett, Spvsr.  
Debra Johnson-Bates, Asst. Spvsr.  
Nancy Gochneaur, Asst. Spvsr.  
5555 Ferguson, Ste. 320  
Commerce, CA 90022  
(323) 869-8200

**TRAINING UNIT**

Marcelyn Cypert, Asst. Spvsr.

12440 E Imperial Hwy., Ste 522  
Norwalk, CA 90650  
(562) 345-6862

**CLINIC, RECORDS & INSPECT**

Adewole Adegoke, Spvsr.  
Ernie Sahakian, Asst. Spvsr.  
5555 Ferguson, Ste. 320  
Commerce, CA 90022  
(323) 869-8593

**LIFE SAFETY SURVEY UNIT**

Adewole Adegoke, Spvsr.  
Jack Taback, Asst. Spvsr.  
5050 Commerce Drive, Ste 105  
Baldwin Park, CA 91706  
(626) 430-5641

**HEADQUARTERS OFFICE**

Darlene Taylor, Chief  
Ernest Pooleon, Asst. Chief  
12440 E. Imperial Hwy, Ste 522  
Norwalk, CA 90650  
(562) 345-8684

LOS ANGELES COUNTY - HEALTH FACILITIES DIVISION  
TIER I WORKLOAD  
FISCAL YEAR 10-01-2003 TO 9-30-2004  
AS 10-01-2004

	SNF 100% Req'd Surveys = 419 Ave Survey / Mo = 35							or	8%	ICF/DD 100% Req'd Surveys = 264 Ave Survey / Mo = 22	HHA 33% Req'd Surveys = 59 Ave Survey / Mo = 5	Hospices Req'd Surveys = 5 or 6yrs old Survey / 6 Years	ASC Req'd Surveys = 28 or 6yrs old Survey / 6 Years	ESRD 33% Req'd Surveys = 43 Ave Survey / Mo = 4+
	Acutes	Central	East	North	SGA	West	Monthly Total			ICF/DD	HHA	Hospice	ASC	ESRD
Oct	1 <sup>(1)</sup> (2)	6 <sup>(3)</sup>	7 <sup>(3)</sup>	6 <sup>(3)</sup>	4 <sup>(3)</sup>	5 <sup>(3)</sup>	30			10 <sup>(3)</sup>	1	1	1	
Nov	3 <sup>(3)</sup>	4	3 <sup>(3)</sup>	5	3 <sup>(3)</sup>	6 <sup>(3)</sup>	24			16 <sup>(3)</sup>	2 <sup>(1)</sup>		1	
Dec	3	8	5 <sup>(3)</sup>	5	4 <sup>(3)</sup>	4	29			23 <sup>(3)</sup>	3			
Jan	3	5	6	9	4	3	30			16	6			4
Feb	4	7	6	5	12	7	41			22	6 <sup>(1)</sup>	2	3	1
Mar	5	9	8	7	8	6	43			28	11		2	2
Apr	3	8	8	7	7	6	39			23	9		3	1
May	5	6	5	4	6	5	31			21	7 <sup>(2)</sup>	2		
Jun	8	8	7	7	8	4	42			29	6 <sup>(2)</sup>	1		
Jul	7	4	12	6	6	8	43			30	6 <sup>(2)</sup>			1
Aug	7	3	8	7	6	10	41			25				
Sep	1	4		4	2	4	15			16				
Year to Date Total	54	74	79	76	76	71	408			277	60	6	10	9
% Complete	108%	101%	105%	106%	109%	101%	100%			105%	102%	60%	13%	18%
# Projected By 9-30-2004	50	73	75	72	70	70	410			262	59	10	78	51
% Projected By 9-30-2004	100%	100%	100%	100%	100%	100%	100%			100%	100%	100%	100%	100%
Total Facilities	50	73	75	72	70	70	410			262	297	42	164	131
# Outstanding Facilities	0	1	0	0	0	2	3			0	3	4	68	42

LOS ANGELES COUNTY - HEALTH FACILITIES DIVISION  
TIER I WORKLOAD  
FEDERAL, FISCAL YEAR 10-01-2004 TO 9-30-2005  
AS 10-04-2005

	SNF 100%  Req'd Surveys = 409 Ave Survey / Mo = 34							or 8%	ICF/DD 100%  Req'd Surveys = 262 Ave Survey / Mo = 22	HHA 33% Req'd Surveys = 62 State got 33 Ave Survey / Mo = 8	Hospices Req'd Surveys = 5 or 6yrs old Survey / 6 Years	ASC Req'd Surveys = 22 or 6yrs old Survey / 6 Years	ESRD 33% Req'd Surveys = 43 Acutual FY 86 Ave Survey / Mo = 4+
	Acutes	Central	East	North	SGA	West	Monthly Total	ICF/DD	HHA	Hospice	ASC	ESRD	
Oct	3 (1)	5	7	8	7	4	34	5	4	1		12	
Nov	3	2	4	6	4	4	23	18	4 (1)			12	
Dec	3	8 (3)	8	6	8	7	40	21	5			9	
Jan	5	6	3	3	6	11	34	27	5			2	
Feb	2	7	5 (1)	5	4 (1)	5	28	16	6		1		
Mar	2	5	7	6	6	8	34	20	6 (2)		2		
Apr	4	8	8	5	8	6	39	27	7 (2)				
May	3	7	4	7	2	4	27	22	6				
Jun	5	5	3	6	9	7	35	22	10	1			
Jul	6	5	8	6	6	2	33	31	4 (2)		1		
Aug	4	9	8	9	7	7	44	15	6 (2)				
Sep	3	5	9	4	4	4	29	15	1 (2)				
Year to Date Total	43	72	74	71	71	69	400	239	55	2	4	35	
% Complete	100%	100%	99%	100%	100%	97%	98%	91%	89%	20%	5%	69%	
# Projected By 09-30-2005	43	72	75 (3)	71	71	71	403	262	62	5	75	86	
% Projected By 09-30-2005	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	
Total Facilities	43	72	75	71	71	71	403	262	295	46	164	128	
# Outstanding Facilities	0	0	1	0	0	2	3	23	7	3	71	51	

LOS ANGELES COUNTY - HEALTH FACILITIES DIVISION  
TIER I WORKLOAD  
FEDERAL FISCAL YEAR 10-01-2005 TO 9-30-2006  
AS 05-17-2006

SNF 100% Req'd Surveys = 406 Ave Survey / Mo = 34								ICF/DD 100% Req'd Surveys = 267 Ave Survey / Mo = 22	HHA 33% Req'd Surveys = 128 State got XX Ave Survey / Mo = 11	Hospices Req'd Surveys = 3 or 6yrs old Survey / 6 Years	ASC Req'd Surveys = 26 or 6yrs old Survey / 6 Years	ESRD 33% Req'd Surveys = 43 Actual FY 78 Ave Survey / Mo = 4+
	Acules	Central	East	North	SGA	West	Monthly Total	ICF/DD	HHA	Hospice	ASC	ESRD
Oct	4	5	6	5	7	1	28	9	8 (4)			1
Nov	1	6	6	4	3	2	22	12	10			
Dec	4 (1)	5	3	6	9	5	32	21	4			
Jan	4	4	6	3	4	8	29	15	4			
Feb	2	6	4	7	7	4	30	15	5			
Mar	4	7	2	8	4	2	27	20	10			
Apr	1	2	3	1		3	10	8	5			
May							0					
Jun							0					
Jul							0					
Aug							0					
Sep							0					
Year to Date Total	20	35	30	34	34	25	178	100	46	0	0	1
% Complete	47%	49%	40%	46%	49%	35%	44%	37%	36%	0%	0%	1%
# Projected By 06-30-2006	32	54	56	56	53	54	305	200	96	2	56	59
% Projected By 06-30-2006	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%
Total Facilities	43	72	75	74	70	72	406	267	335	53	171	130
# Outstanding Facilities	23	37	45	40	36	47	228	167	82	3	74	77